

EGYPT: A DECADE OF POLITICAL DEVELOPMENT

by

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PART I

A DECADE OF ANGLO-EGYPTIAN NEGOTIATION

EGYPT in 1930 was faced by a series of crucial issues. In the first months of the year a definitive treaty with Great Britain seemed imminent, and the weighing and reweighing of demand and compromise at London laid heavy responsibilities upon the shoulders of Egyptian negotiators. Hardly had the London negotiations come to an unsuccessful end when there developed a peculiar constitutional crisis at home, which has absorbed the energies of Egyptian political leaders ever since and bids fair to keep them preoccupied at least until the elections scheduled for the coming February or March.¹ In view of the sketchiness of most American press dispatches on the subject, it has seemed advisable to present a review of the year's developments for the use of those who have more than a passing interest in contemporary Egyptian affairs.

The negotiations carried on in London in 1930 constituted the sixth attempt within the past decade to set Anglo-Egyptian relations upon a mutually satisfactory basis.²

1. For a detailed discussion of Egyptian political parties in connection with the coming elections, cf. p. 414.

2. These six occasions were as follows:

(1). *May-August and October 1920*. Conversations between Lord Milner and the nationalist leader, Zaghlul Pasha, ending in a British refusal to accept Egyptian reservations to the Milner memorandum. Cf. Great Britain, Foreign Office, *Egypt No. 1 (1921), Report of the Special Mission to Egypt*, Cmd. 1131 (London, H. M. Stationery Office, 1921). For text of Milner memorandum, cf. "Egyptian Nationalism and British Imperial Interests," F. P. A. *Information Service*, Vol. III, No. 11, August 3, 1927, p. 165-66.

(2). *July-November 1921*. Conversations between Lord Curzon and Adly Pasha Yeghen, Independent leader, ending in disagreement for a similar reason. Cf. Great Britain, Foreign Office, *Egypt No. 4 (1921), Papers respecting Negotiations with the Egyptian Delegation, 1921*, Cmd. 1555 (London, H. M. Stationery Office, 1921). For text of Curzon memorandum, cf. also "Egyptian Nationalism and British Imperial Interests," cited, p. 167-68.

(3). *September 23—October 3, 1924*. Brief and unproductive conversations between Prime Ministers Zaghlul Pasha and J. Ramsay MacDonald. Cf. Great Britain, Foreign Office, *Egypt No. 1 (1924), Despatch . . . respecting the Position of His Majesty's Government in regard to Egypt and the Sudan*, Cmd. 2269 (London, H. M. Stationery Office, 1924).

(4). *July-August and October-November 1927*. Negotiations between Sir Austen Chamberlain and Prime Minister Sarwat Pasha, resulting in a draft treaty which was taken to Egypt by Sarwat Pasha in November, but not submitted to his Cabinet until the beginning of March 1928, when it was rejected. Cf. Great Britain, Foreign Office, *Egypt No. 1 (1928), Papers regarding Negotiations for a Treaty of Alliance with Egypt*, Cmd. 3050 (London, H. M. Stationery Office, 1928).

When the British occupation of Egypt began in 1882 for the purpose of quelling Arabi Pasha's revolt against the Khedive, it was not the intention of the authorities in London to maintain troops there for more than a brief period.³ But the first attempt to withdraw was not favored by the Ottoman Sultan, and Great Britain's special representative in Egypt was convinced, he said, that the suffering of the Egyptian people would be frightful unless foreigners undertook to organize an efficient administration for them.⁴ In this manner began that protracted period of British occupation which has not yet come to a close—first under the nominal suzerainty of the Sultan of Turkey, then under a British protectorate (1914-1922), and finally under the present régime, which has recognized Egyptian independence in theory while maintaining in practice many of the features of the former protectorate pending agreement as to how British and other foreign interests are to be safeguarded in an independent Egypt.

In a former issue of the *Information Service*⁵ there was published a review of Anglo-Egyptian relations between 1914 and 1927. The present report is intended to supple-

(5). *August 1929*. Negotiations between Mr. Arthur Henderson and the Liberal Prime Minister, Mohammed Pasha Mahmud, resulting in a series of proposals to be incorporated in an Anglo-Egyptian treaty. These proposals were not accepted by the newly elected Egyptian Parliament, which preferred to have negotiations carried still further by a Wafdist (Nationalist) Prime Minister before action was taken. Cf. Great Britain, Foreign Office, *Egypt No. 1 (1929), Exchange of Notes relating to Proposals for an Anglo-Egyptian Settlement*, Cmd. 3376 (London, H. M. Stationery Office, 1929).

(6). *March-May 1930*. Negotiations between the Wafdist Prime Minister, Nahas Pasha, and Mr. Arthur Henderson, ending in agreement on all clauses but one of a prospective Anglo-Egyptian treaty. Cf. Great Britain, Foreign Office, *Egypt No. 1 (1930), Papers regarding the recent Negotiations for an Anglo-Egyptian Settlement, March 31—May 8, 1930*, Cmd. 3575 (London, H. M. Stationery Office, 1930).

3. Cf. text of announcement to this effect in E. W. Polson Newman, *Great Britain in Egypt* (Toronto, Cassell, 1928), p. 120.

4. Earl of Cromer, *Modern Egypt* (London, Macmillan, 1908), Vol. I, p. 341.

5. "Egyptian Nationalism and British Imperial Interests," cited; cf. also, Hans Kohn, "Die europäisch-ägyptische Auseinandersetzung 1924-1928," *Zeitschrift für Politik*, Vol. 18, No. 1, May 1928.

ment and bring up to date this former study and necessarily assumes an acquaintance on the part of the reader with the political developments in Egypt dealt with in the earlier publication.

A review of the Anglo-Egyptian negotiations of the past decade indicates, perhaps more clearly than could be done by a theoretical discussion of Egypt's present position, the road that still must be traversed before that country can enjoy the independent status which is its goal. The matters with which Nahas Pasha and his predecessors dealt during successive negotiations in London may be grouped conveniently under four general headings—(a) foreign relations, (b) military affairs, (c) the position of aliens resident in Egypt, (d) the Anglo-Egyptian Sudan.

FOREIGN RELATIONS

The draft treaty of 1930 went further than any previous agreement toward relaxing direct British control of Egyptian foreign relations. In outlining future policy in this matter the 1930 draft treaty made five important provisions:

1. It arranged for a defensive alliance between Great Britain and Egypt (Articles 5 and 8).
2. It stipulated that neither of the high contracting parties should adopt in foreign countries an attitude inconsistent with the alliance or conclude political treaties out of harmony with the provisions of the treaty itself (Article 6).
3. Great Britain recognized Egypt's right as a sovereign independent State to become a member of the League of Nations on complying with the provisions of the Covenant (Article 2).
4. Both countries pledged themselves to fulfill obligations resting upon them under the League Covenant and the treaty for renunciation of war, and especially to consult together in an attempt to settle by peaceful means any dispute which might arise with a third State (Articles 7 and 12).
5. Each country was to be represented in the capital of the other by an ambassador fully accredited (Article 10).

Egyptians did not suppose that the reciprocal nature of these provisions would automatically place their country on a footing of equality with its prospective ally; yet they saw in the terminology of the 1930 draft a considerable improvement over that of earlier documents, and anticipated under

its terms a greater freedom in interpreting Egypt's prerogatives than would have been possible had any of the former draft treaties gone into effect.

It took ten years to arrive at this agreement. Although an Egyptian Foreign Office existed at the time of Lord Milner's visit, it was under the immediate direction of the British High Commissioner. There had been no Egyptian Minister of Foreign Affairs since 1914, when the British protectorate was established.⁸ Not until the protectorate was abolished in 1922 did an Egyptian Minister resume control of the Department of Foreign Affairs, but so close a relationship was maintained between this official and the British High Commissioner that agreements such as the boundary treaty with Italy in 1925 and the treaties of friendship with Afghanistan and Persia in 1928 were concluded in consultation with him as well as with the representatives of the countries concerned.⁹ Only in the case of ordinary commercial treaties has there been no necessity to consult the British representative during the period of negotiation.¹⁰

Diplomatic Representation

Another change which has taken place since the Milner report was written concerns Egypt's right to diplomatic representation abroad. It was Lord Milner's intention to allow Egypt only consular representatives in foreign countries. Zaghlul Pasha, however, objected to this so strongly that Lord Milner recommended finally that Egypt receive the right to diplomatic representation as well.¹¹ He was supported in this by Lord Curzon in the following year.¹² The right was actually granted in 1922 when the protectorate disappeared. In 1930 Egypt maintained legations in nine countries¹³ and consulates in twenty-six. In countries where there was no Egyptian legation the services of British diplomatic representatives were available when required by Egyptian nationals.

8. *Egypt No. 1* (1921), p. 27.

9. In the cases of the treaty of arbitration with the United States and the Kellogg pact, ratified in 1929, the Egyptian Minister of Foreign Affairs did not consider it necessary to consult the British High Commissioner.

10. Cf. *Egypt No. 1* (1928), cited, p. 46; also *Egypt No. 1* (1921), cited, p. 27.

11. *Egypt No. 1* (1921), cited, p. 23-27.

12. *Egypt No. 4* (1921), cited, Article 4.

13. Belgium, Bulgaria, France, Germany, Great Britain, Greece, Hedjaz, Italy and Spain.

As for the British representative in Egypt, it has always been the determination of Egyptian nationalists to secure a reduction of his exceptional prerogatives. Zaghlul Pasha in 1924, for example, demanded that the High Commissioner's position should be the same in every respect as that of diplomatic representatives of other countries.¹⁴ Lord Curzon's memorandum, on the other hand, indicated that it was the British intention in 1921 to continue the system whereby the High Commissioner "in virtue of his special responsibilities shall at all times be entitled to an exceptional position."¹⁵ He planned that the "closest relations" should exist between the High Commissioner and the Egyptian Minister of Foreign Affairs.¹⁶

Although the first British draft treaty in 1927 provided in much the same spirit that there should be "full and frank consultation" in all matters of foreign policy which might affect the common interests of the two countries,¹⁷ it added that in view of the special relations to be created by the proposed alliance, Great Britain should be represented in Egypt by an ambassador, to whom the King of Egypt would grant precedence over all other foreign representatives.¹⁸ To this Sarwat Pasha objected, however.

In 1929 and 1930 the first proposals for a mutual exchange of ambassadors were made.¹⁹ It was agreed in 1930, moreover, that a note accompanying the treaty should state that since Great Britain would be the first country to be represented in Egypt by an ambassador, the British

representative would be considered senior to those of other countries.²⁰

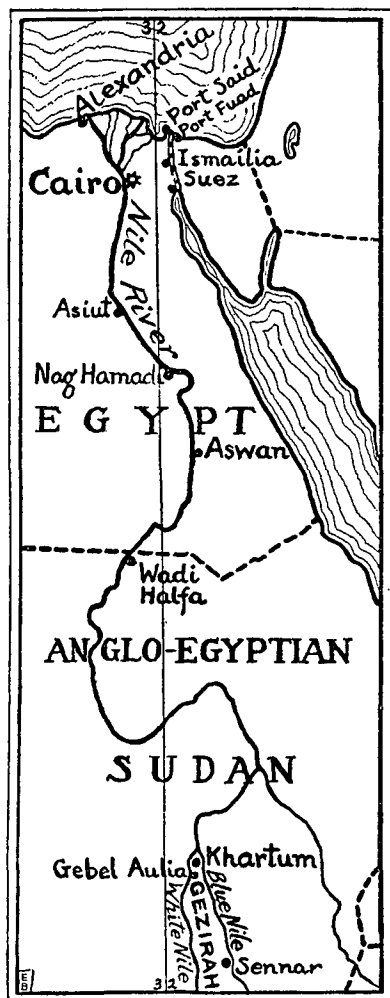
Without waiting for the actual signature and ratification of a treaty embodying this proposal, the British Labour government took action in July 1929 to limit the power of the High Commissioner. Lord Lloyd, who had held that position since 1925 and had repeatedly advocated more extreme policies in Egypt than those proposed by Mr. Baldwin's Conservative Cabinet,

was forced to resign.²¹ In his place was appointed Sir Percy Loraine, British Minister at Athens, who, as an official trained in the service of the Foreign Office, was expected to have a different attitude toward Egyptian domestic affairs from that of his predecessors.²²

MILITARY AFFAIRS

When Lord Milner visited Egypt in 1920, military arrangements were in many respects similar to what they had been during the final years of Lord Cromer's administration (1883-1907). The greater part of the Egyptian forces were kept in the Anglo-Egyptian Sudan to maintain order, only one battalion being retained, chiefly for ceremonial purposes, in Egypt itself.²³ The Egyptian army was officered partly by Egyptians and partly by British. It was under the com-

mand of a British Sirdar, who in view of the existing military situation combined in his own person the offices of Inspector-General of the Egyptian army and Governor-General of the Sudan. In 1922 the strength of the entire Egyptian army was about 17,000²⁴ while by 1927 it was reduced to



14. Cf. A. J. Toynbee, *Survey of International Affairs, 1925* (London, Oxford University Press, 1927), Vol. I, p. 208 n.

15. Curzon memorandum, Article 3.

16. *Ibid.*, Article 5.

17. *Egypt No. 1* (1928), Article 2, p. 10.

18. *Ibid.*, Article 12, p. 12.

19. 1929 proposals, Article 12; draft treaty 1930, Article 10.

20. *Egypt No. 1* (1930), cited, p. 32, § 13.

21. Cf. *Parliamentary Debates*, House of Commons, Vol. 230 (1929-1930), columns 1641-46.

22. For statement of recent policy with respect to domestic issues, cf. Part II, p. 417.

23. George Young, *Egypt* (New York, Scribner's, 1927), p. 161-62.

24. *Statesman's Year-Book, 1922* (London, Macmillan), p. 273.

11,220.²⁵ In addition to these Egyptian troops there has been a British army of occupation in Egypt since 1882, including garrisons in Cairo and Alexandria. Since 1920 this army of occupation, exclusive of the air force, has numbered something over 11,000 in all ranks.²⁶ Toward the maintenance of this British garrison Egypt furnished an annual credit of £150,000 under the Anglo-Egyptian convention of 1882.

Egyptian Nationalists Oppose British Occupation

Although Egyptian nationalists were anxious above all else to terminate the British military occupation, Zaghlul Pasha stated during the 1920 negotiations with Lord Milner that he was willing to concede to the British the use of communications, railways, airdromes, and other resources in Egypt in case Great Britain should become involved in war, inasmuch as Great Britain offered for its part to defend Egypt from outside attack. A formula was agreed upon during these negotiations to the effect that British forces remaining in future on Egyptian soil should in no way constitute a military occupation, being there only for the protection of British imperial communications; they would not be used to maintain order in Egypt itself. Zaghlul Pasha and Lord Milner disagreed, however, as to where the British garrison should be located. The Egyptian leader demanded that it be withdrawn immediately to the Suez Canal zone, and preferably to the east bank. Lord Milner refused, on two grounds: (a) the canal zone had been neutralized by international agreement; (b) to guard merely the canal zone would be insufficient, since Egypt was becoming a nodal point in the complex of British communications by air and land as well as by sea.²⁷

Lord Curzon in 1921 guarded himself against Egyptian claims in this respect by inserting in his memorandum a clause specifying that British forces might be stationed "at such places in Egypt and for such

periods as shall from time to time be determined."²⁸ Even the moderate followers of Adly Pasha Yeghen were unwilling to accept such a proposal, however, and the Curzon memorandum, like Lord Milner's proposals, remained a dead letter.

The Military Crisis—1924

About the time of Zaghlul Pasha's second visit to London a crisis developed in military affairs. The first nationalist Parliament elected under the 1923 Constitution cancelled in June 1924 the annual credit of £150,000 for the maintenance of the British garrison in Egypt when it became apparent that the British Labour government did not intend to terminate the occupation of its own accord.²⁹ Outside Parliament there occurred throughout Egypt a series of attacks on British military officials, and propaganda was carried on against the occupation in general. Prime Minister Zaghlul Pasha stated in the Chamber of Deputies in May 1924 that it was inconsistent with the dignity of an independent Egypt that a foreign officer should be Commander-in-Chief of the Egyptian army and that other British officers should be maintained in that army also.³⁰ In the summer there were nationalist demonstrations followed by a mutiny among Egyptian soldiers in the Sudan. When Zaghlul Pasha saw Mr. Ramsay MacDonald in London in September he demanded the withdrawal of all British forces from Egypt. The British Prime Minister replied that the foundation on which the entire defensive strategy of the British Empire rested was an absolute certainty that the Suez Canal would remain open in peace and war for the free passage of British ships.³¹ Given good will, he saw no reason why a satisfactory agreement could not be made on this point; but in view of Zaghlul Pasha's attitude he said he could not discuss it with him at the moment. In November Sir Lee Stack, Sirdar of the Egyptian army, was assassinated by an Egyptian. There followed an immediate change in the military situation. All Egyptian troops were ejected from the Su-

25. *Whitaker's Almanac*, 1928, p. 764.

26. *Ibid.*, and *Statesman's Year-Book*, 1922, p. 273.

27. *Egypt No. 1* (1921), cited, p. 29. Lord Milner had in mind prospective communications with British East Africa and South Africa, as well as existing communications with India, Australia, New Zealand, etc.

28. Curzon memorandum, Article 10.

29. Young, *Egypt*, p. 273.

30. *Egypt No. 1* (1924), cited, p. 2.

31. *Ibid.*, p. 3.

dan, the ranks of the Egyptian army in Egypt itself were proportionately increased and a gradual reduction took place among the British personnel in the Egyptian army.

In May and June 1927 the Egyptian Parliament attempted to cancel the annual credits for the maintenance of Sir Lee Stack's successor, but was prevented from doing so by a Conservative British government, which ordered warships to Egyptian waters and in a series of notes forced a reluctant Egyptian Ministry to postpone action.³²

Great Britain Offers to End the Military Occupation

Not long afterward there began the Sarwat-Chamberlain negotiations which succeeded in carrying the discussion of military affairs into a new stage. It was proposed during these conversations that Great Britain be allowed to maintain troops wherever it pleased in Egypt for only ten years longer, —this, however, not to constitute a military occupation. Sarwat Pasha demanded that after ten years British forces be withdrawn to a specified locality, while Sir Austen Chamberlain suggested renewed negotiations, with resort to the League of Nations if direct parleys should fail to bring about agreement. Sir Austen also proposed that the Egyptian army itself be limited by agreement to 12,250 men, but he withdrew his suggestion later when it was vigorously assailed by Sarwat Pasha.³³

The military provisions of the 1927 draft treaty and annexes, although more liberal than any previous proposals, aroused opposition in Egypt. Wafdists denounced as a mere fiction the theory that British troops could be maintained for ten years in the country without prolonging the military occupation by the same length of time.³⁴ Moreover, Sarwat Pasha himself changed his mind about one of the annexes which provided that British personnel in the Egyptian army should be maintained on the existing scale and with unchanged functions during the ten-year period.³⁵ He was even unwilling to accept a suggestion that this British per-

sonnel be converted into a military mission, unless all details of the proposed change were definitely settled before he submitted the treaty to his Cabinet for approval.

An agreement on the subject of the military mission was arrived at in 1929, during the Mahmud-Henderson negotiations,³⁶ but did not attract nearly as much comment as another proposal, made in the same year, to move British troops from their existing location to a point east of the 32nd degree of east longitude as soon as barracks, training grounds, an adequate water supply and certain other necessities and amenities could be provided by the Egyptian government.³⁷

The draft treaty of 1930 was even more advantageous to Egypt than the proposals of 1929. Its features were as follows:

1. The military occupation of Egypt by British forces was to be terminated on the coming into effect of the treaty (Article 1).
2. In case of war either country would come to the aid of the other in the capacity of an ally (Article 8).
3. The Egyptian government would authorize Great Britain to maintain near Ismailia ground troops not to exceed 8,000 in number for defense of the canal "in cooperation with the Egyptian forces." Air forces not exceeding 3,000 in number were to be moved from Abukir to Port Fuad. All other British forces were to leave Egypt as soon as the treaty was ratified. The presence of these British forces near Ismailia would in no way prejudice the sovereign rights of Egypt. After twenty years the question of withdrawing all British troops might be raised, leaving Egypt to guarantee liberty and security of navigation on the canal; in default of agreement at this time the question might be referred to the League of Nations (Article 9).³⁸
4. A British military mission would take the place of British officers at present in the Egyptian army.³⁹

THE POSITION OF FOREIGNERS IN EGYPT

Throughout the period of the British occupation responsibility for the safety of foreign life and property has been assumed by the British government. This has been an important responsibility for two reasons. In the first place Egypt has an unusually

32. Cf. "Egyptian Nationalism and British Imperial Interests," cited, p. 154-55.

33. *Egypt No. 1* (1928), cited, p. 28-29.

34. *Ibid.*, p. 52.

35. *Ibid.*, Annex I(a), p. 39, 48-49, 52.

36. *Egypt No. 1* (1929), cited, p. 5.

37. *Ibid.*, p. 5-6. Cf. map, p. 405.

38. Cf. also *Egypt No. 1* (1930), cited, p. 22-23 and 30-31.

39. *Ibid.*

large foreign population,⁴⁰ whose interests have been threatened by recurrent political disturbances. In the second place it has been a feature of British policy to avoid giving any other foreign power an occasion for intervening in Egyptian affairs.⁴¹

British protection of foreigners has been exercised through various agencies—the British garrison in Egypt, British personnel in the civil administration, the European element in the police force and the occasional dispatch of British warships to Egyptian waters. In all these respects, however, radical changes are expected in the future. Paralleling the development of plans to withdraw the British garrison from the Nile valley, discussions have taken place with a view to eliminating the European element in the Egyptian police force, while considerable progress has already been made in reducing the number of British civil officials in the Egyptian administration.

British Officials in the Administration

At the close of the World War Egypt was anxious to rid itself of the army of British officials who had been appointed to positions of responsibility in the Egyptian administration, some of them military men with little or no former experience in civil executive life. The British share of higher posts in the Egyptian government, according to Lord Milner, had risen from 42.2 per cent in 1905 to 59.3 per cent in 1920, while the proportion of Egyptians in such positions had declined from 27.7 to 23.1 per cent.⁴² Lord Milner recognized the fact that Egypt would wish to terminate the contracts of a considerable number of the British officials appointed during the period of the protectorate. He thought it important that an arrangement should be made to legalize premature termination of contracts, relying on the High Commissioner's influence and certain other considerations to prevent too great a turnover.

40. Recently given as 225,600 out of a total population of 13,952,264. Cf. *Annuaire Statistique, 1928-1929* (Cairo, Imprimerie Nationale, 1930).

41. In a circular note addressed to foreign powers in March 1922, the British government announced that it would regard as an unfriendly act any attempt at interference in the affairs of Egypt by another power. Full text in *Egypt No. 2 (1922)*, *Despatch to His Majesty's Representatives respecting the Status of Egypt*, Cmd. 1617 (London, H. M. Stationery Office, 1922).

42. *Egypt No. 1 (1921)*, cited, p. 30 n.

He stipulated, however, that two British officials exercising special powers should be retained in the Egyptian service to assure the solvency of Egypt and to provide adequate guarantees for the protection of foreign life and property. These were:

1. A British financial adviser to be attached to the Ministry of Finance, to whom would be transferred the powers exercised by the Commissioners of the Debt, representing the interests of foreign bondholders; this official was to be at the disposal of the Egyptian government for consultation on other matters also.

2. A British judicial adviser to be attached to the Ministry of Justice. This official would be kept fully informed as to legislation affecting foreigners and would be available for consultation on the subject of efficient maintenance of law and order in Egypt.⁴³

Provision for Retirement of Foreign Officials

In 1923, when the first Egyptian Parliament had begun to function after the abolition of the British protectorate, an act was passed providing for the retirement of foreign officials in the Egyptian service before the expiration of their contracts, on the payment of certain sums in compensation for their dismissal.⁴⁴ Under this act a considerable number of British officials drew indemnities and compensation; some of them left the country, while others were re-employed by the Egyptian government of its own volition.⁴⁵

When Sarwat Pasha went to London in 1927 there were still a few difficulties to clear up, however, in respect to the employment of foreign officials. Sir Austen Chamberlain wished to write into the draft treaty an article providing that a foreign element should be maintained in the Egyptian administration sufficient to insure adequate protection of life and property, and another article stipulating that the British government should be asked for assistance in selecting this foreign personnel.⁴⁶ Sarwat

43. *Ibid.*, p. 31; cf. also Milner memorandum, Article 3, and Curzon memorandum, Articles 12-16.

44. Great Britain, Treaty Series No. 33 (1923), *Egyptian Law relating to the Conditions of Service, Retirement and Dismissal of Officials, Employees and Agents of Foreign Nationality*, Cmd. 1999 (London, H. M. Stationery Office, 1923).

45. On May 1, 1927 the contracts of 436 British officials were renewed by the Egyptian government. (Cf. *Egyptian Gazette*, July 25, 1927. In the first four months of 1930, forty-three contracts were terminated, while 497 British officials continued in the Egyptian service. Cf. *Parliamentary Debates*, House of Commons, Vol. 237, col. 2522.

46. *Egypt No. 1 (1928)*, cited, p. 11 and 12, Articles 8 and 11.

Pasha refused, however, to begin all over again the process of employing foreigners, especially since the Egyptian government had recently paid out six or seven million pounds, he said, in compensation to departing foreign officials.⁴⁷ He wished, accordingly, to limit British treaty officials to two—the financial and judicial advisers.⁴⁸ He did agree, however, that no change should be made in the number, status and functions of foreign officials in the public security and police services pending reform of the capitulatory system,⁴⁹ except by agreement with Great Britain. He also agreed that if it were necessary to appoint foreign officials in future, preference would be given to British subjects.⁵⁰

It was not until 1929 and 1930 that the British government offered to entrust responsibility for foreign life and property in Egypt to the Egyptian government itself.⁵¹ Not all Europeans in Egypt regarded this offer with equanimity, some of them fearing that the guarantees of safety provided under the proposed Anglo-Egyptian treaty might prove insufficient.⁵² The Egyptian representatives had no hesitation, however, in accepting the responsibilities involved. The European element in the police department, it was arranged, was to be reduced by one-fifth annually for five years, British commandants being retained throughout the period. The European Bureau of the Public Security Department, however, was to be abolished.⁵³ Nahas Pasha, at one point in the 1930 negotiations, signified his intention of dispensing with the services of the British judicial and financial advisers at the end of the current financial year. Mr. Henderson persuaded him, however, to retain both officials until the termination of their contracts.⁵⁴

47. *Ibid.*, p. 23.

48. For position of these officials in 1924, cf. Toynbee, *Survey of International Affairs*, 1925, p. 219-20.

49. For Sarwat Pasha's later reservations on this subject, cf. *Egypt No. 1* (1928), cited, p. 47-50.

50. *Ibid.*, p. 28.

51. 1929 proposals, Article 6; 1930 draft treaty, Article 3.

52. Cf. Pierre Crabitès, "United States Has Vital Interests in the Anglo-Egyptian Agreement," *New York Times*, September 3, 1929, for a moderate statement of this viewpoint.

53. *Egypt No. 1* (1930), cited, p. 24. In 1929 it had been suggested that a British police mission might ultimately be employed to reorganize the Egyptian police force. *Egypt No. 1* (1929), cited, p. 7.

54. *Egypt No. 1* (1928), cited, p. 5, 24.

The Capitulations and the Mixed Courts

In addition to the guarantees offered to foreigners in Egypt by the British occupying authorities, there has existed a further system of legal safeguards, referred to as the capitulations, devised by the Ottoman Sultans, and ante-dating the British occupation. By these so-called capitulations, nationals of certain powers⁵⁵ were granted special commercial privileges, immunity from personal taxation without the consent of their governments, inviolability of domicile, protection from arbitrary arrest and exemption from jurisdiction of native courts.⁵⁶ The last of these privileges resulted in such confusion that Nubar Pasha, Egyptian Foreign Minister, introduced in 1876 the institution known as the Mixed Courts; these had jurisdiction in civil cases affecting nationals of capitulatory powers, who were no longer permitted to defend suits or bring action in their respective consular courts. Judges representing Egypt and all the capitulatory powers served in the Mixed Courts, and the General Assembly of the Mixed Tribunals met from time to time to deal with matters affecting the interests of capitulatory powers.

In practice this system, although a vast improvement over conditions existing before 1876, was still cumbersome. The necessity of trying foreign defendants in their own consular courts in criminal cases resulted in a great diversity of punishments for identical offenses—a circumstance not at all conducive to the maintenance of public order.⁵⁷ Moreover, when the Egyptian government wished to alter customs tariffs, change tax rates⁵⁸ or adopt legislation which might affect foreigners as well as Egyptians, it still had to negotiate separately with each of the twelve capitulatory powers, or secure their assent through the General Assembly of the Mixed Tribunals.⁵⁹

55. Fifteen before the war: Belgium, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Portugal, Spain, Sweden, the United States, Austria-Hungary, Germany and Russia. The last three had lost their special privileges by 1919.

56. Cf. Lord Milner's summary in *Egypt No. 1* (1921), cited, p. 19 n.

57. Pierre Crabitès, "The Mixed Courts of Egypt," *Virginia Quarterly Review*, October 1928, p. 546-53.

58. In practice the only taxes borne by foreigners when Lord Milner wrote his report in 1920 were the house and land taxes. Cf. *Egypt No. 1* (1921), p. 19 n.

59. *Ibid.*, p. 32.

Britain's Efforts to Alter the Capitulatory System

Since 1919 Great Britain has been trying, with Egypt's consent, to meet both of these objections to the existing system—(a) by closing the consular courts, and (b) by having transferred to itself the capitulatory rights enjoyed by other foreign powers in Egypt. This would make it possible for Egypt to enact legislation applicable to foreigners after negotiating with Great Britain only; consular courts would have jurisdiction only in matters of personal status, or be closed altogether, while criminal as well as civil cases involving nationals of former capitulatory powers would be tried before the Mixed Courts. Clauses were inserted in each of the Anglo-Egyptian agreements between 1920 and 1930 with these ends in view. In 1920 laws were actually drafted providing for the transfer to the Mixed Courts of the jurisdiction of consular courts. The British government negotiated with the eleven other capitulatory powers with a view to securing their acceptance of these laws and persuading them to relinquish their special rights in favor of Great Britain. Only five of them consented, however.⁶⁰ The British authorities then invited the various powers to send representatives to a conference on the subject to be held in Cairo in February 1928⁶¹ but the response was slow, political difficulties intervened in Egypt, and the conference was not held, the powers objecting that the British proposals had not yet been worked out in sufficient detail. The Egyptian government turned finally to the practical work of reforming the code of criminal procedure for the future use of the Mixed Courts, still retaining the hope that an international commission might be appointed within a reasonable time to settle the problem of the consular courts.⁶²

The Anglo-Egyptian draft treaty of 1930 asserted that the capitulatory régime now

existing in Egypt was no longer in accordance with the spirit of the times; that accordingly the British government would undertake to use all its influence to persuade the capitulatory powers to allow the application of Egyptian legislation to their nationals and to agree to the suppression of consular courts, whose jurisdiction would be transferred to the Mixed Courts.⁶³ The Egyptian government on its part asserted that although it agreed to this article it did not relinquish its hope for the ultimate abolition of the capitulations.⁶⁴

THE SUDAN

It was over the question of the Sudan that Anglo-Egyptian negotiations finally broke down in 1930 after agreement had been reached on all other matters. The extreme limit of British concession fell short of Egyptian demands, but the fact that agreement seemed at one time to be almost in sight was in itself notable, inasmuch as up to this time there had seemed no prospect whatever of reconciling the opposing views of Egyptians and British.

Before the British occupation of Egypt the majority of the Sudanese provinces were under Egyptian rule for a period of about sixty years, and when the Mahdist rebellion of 1881-1885 forced the Egyptians to withdraw, the Khedive still hoped to restore his dominion over the Sudan at the earliest opportunity. In 1896-1898 the Sudan was reconquered, but this time with British collaboration. To the reconquest of the Sudan Great Britain made several contributions:

- (1) A timely loan of £800,000 at 2½ per cent;⁶⁵
- (2) A number of British officers, who directed the campaign, and a British stiffening in the Egyptian army;
- (3) Reorganization of the Egyptian army, which increased its efficiency substantially;
- (4) Reconstruction of the Egyptian administrative and financial systems, without which the campaign would have been impossible.⁶⁶

Egypt, on the other hand, furnished the army which carried on the campaign, and

60. Treaties to this effect were negotiated with Denmark, Greece, Norway, Portugal and Sweden, the more powerful nations being reluctant to transfer their capitulatory rights to Great Britain. For text of a typical draft treaty, cf. G. L. Beer, *African Questions at the Peace Conference* (New York, Macmillan, 1923), p. 562.

61. "Political and Economic Trends in the Near East, 1927," F. P. A. *Information Service*, Vol. III, No. 26, March 2, 1928, p. 438.

62. For an account of the negotiations of the past decade, cf. J. Y. Brinton, *The Mixed Courts of Egypt* (New Haven, Yale University Press, 1930), p. 340-48 and *passim*. This

work is a comprehensive study of the history, organization and functioning of the Mixed Courts.

63. Article 4.

64. *Egypt No. 1* (1930), cited, p. 40.

65. Cf. Hassan Chafik, *Statut Juridique International de l'Egypte* (Paris, Editions Internationales, 1928), Chapter II; Cromer, *Modern Egypt*, Vol. II. This loan covered less than one-third of the immediate cost of the campaign.

66. Toynbee, *Survey of International Affairs*, 1925, p. 238.

more than two-thirds of the funds expended on it. Egypt's historical claim to the Sudan also constituted a weapon which Great Britain used to check French ambitions in that area at the time of the Fashoda incident.⁶⁷

British and Egyptian Claims to the Sudan

The Anglo-Egyptian Sudan covers today over 1,000,000 square miles and embraces a population estimated at 5½ million,⁶⁸ divided among pagan black tribes of the southern provinces, the Arabs of the north, and the mixed populations of the middle provinces. Egyptian nationalists claimed practically the whole country to be an integral part of Egyptian territory, basing that claim (a) on Egypt's historical right; (b) on the fact that the majority of the expenditure and the majority of the troops used in the reconquest of the Sudan were furnished by Egypt; and (c) on natural right, since Egypt depends on the Nile for its life, while almost all the Nile water reaching Egypt flows first through the Sudan.

British governments, on the other hand, have refused Egyptian claims to sole ownership of the Sudan, advancing the following arguments in support of their position: (a) Egypt could never have won back the Sudan without British aid; (b) The Egyptian administration of the Sudan in the nineteenth century was notoriously oppressive and unproductive; (c) Under British direction the administration of the Sudan has been remarkably successful, forming one of the brightest pages in the history of the development of backward regions;⁶⁹ (d) The majority of the Sudanese, they assert, do not want to be left to Egyptian control.

The Sudan issue became acute when Egyptian independence was recognized theoretically in 1922, the British government assuming that the Anglo-Egyptian condominium established in 1899 should continue to be effective, while Egyptians insisted that their suzerainty over the Sudan should be recognized immediately. The discussions of

this subject during the past decade have centered particularly about three items—(a) Egyptian participation in the Sudan administration, (b) Egyptian rights of immigration into the Sudan, and (c) the Nile water supply. These questions will be considered in order.

(a) Egyptian Participation in the Sudan Administration

Under the terms of the Anglo-Egyptian convention of 1899,⁷⁰ the supreme military and civil command in the Sudan was entrusted to a British Governor-General. No provision was made whereby the Egyptian partner in the condominium could exercise a check upon this Governor-General, in spite of the fact that the decrees issued by the latter had to be communicated to the president of the Egyptian Council of Ministers as well as to the British High Commissioner in Cairo. Moreover, except in subordinate posts, Egyptian administrative officials in the Sudan were rapidly replaced by British officials. Administrative policies were determined by British officials on the spot in consultation with the authorities in London. Although Egypt furnished annual subsidies for civil and military expenditures in the Sudan⁷¹ and Egyptian soldiers formed the greater part of the Sudan garrisons, and although British and Egyptian flags were flown side by side on public buildings, Egyptian influence in the Sudan administration was negligible and British officials fell into the habit of discussing administrative problems of the Sudan as if they were the concern of the British government alone.⁷² Egypt, one Governor-General suggested, should be content with what it already had.

"It should always be borne in mind," he wrote, "that for the money spent on the Sudan, Egypt has acquired a peaceful southern frontier, and an assured water supply—two factors of vital importance to her prosperity and progress. By

70. Text reproduced in *Egypt No. 1* (1930), cited, p. 41-42.

71. "During the years 1899 to 1912 inclusive Egypt contributed a total of £155,353.215 under this head [to cover deficits which arose in the Sudan budget during the first thirteen years of the condominium], and from 1899 to the evacuation of the Egyptian units at the close of 1924 she contributed another annuity of £1,000,000 (that is five-sixths of the total) towards the joint military expenditure in the Sudan of the two parties to the condominium." Toynbee, *Survey of International Affairs*, 1925, Vol. I, p. 240.

72. In 1929 the Governor-General of the Sudan, all the members of his Council, the heads of all administrative departments (except two who had to be Moslem dignitaries) and all the provincial governors were British. Cf. lists in *Sudan Almanac*, 1929.

67. T. W. Riker, "A Survey of British Policy in the Fashoda Crisis," *Political Science Quarterly*, March 1929, p. 56.

68. *Statesman's Year-Book*, 1930, cited, p. 263.

69. For a typical statement of this point of view written by an outside observer, cf. Mme. Odette Keun, "A Foreigner Looks at the British Sudan," *The Nineteenth Century and After*, September 1930, p. 292-309.

this undoubtedly remunerative investment she has secured for herself a sound and inexpensive insurance policy."⁷³

Lord Milner advised in 1920 that both the number and organization of the Egyptian garrisons in the Sudan be reconsidered and the financial burden upon Egypt for their maintenance reduced. He thought that it should be the aim of British policy in general to relieve Egypt from any financial responsibility for the Sudan.⁷⁴ Lord Curzon, on the contrary, asserted in the following year the principle that Egypt should continue to afford the Sudan the same military assistance as in the past, or its equivalent in the form of a financial subsidy, since the peaceful development of the Sudan was essential to the security of Egypt and to the maintenance of its water supply.⁷⁵

The Sudan Crisis—1924

The question of Egypt's position in the Sudan came to a head in 1924 through a series of unhappy episodes. There were the mutinies of Egyptian troops in the Sudan, already referred to, followed by Sa'ad Pasha Zaghlul's insistence at London that Egypt would not relinquish its claim to complete rights of ownership of the Sudan nor cease to regard the British as usurpers.⁷⁶ In the Sudan itself Egyptian propagandists did what they could to popularize this view. Not long after there came the assassination of Sir Lee Stack, the ejection of all purely Egyptian military units from the Sudan, and their replacement by Sudanese units locally recruited.⁷⁷ The Egyptian Parliament felt that something must be done to assert Egypt's military parity with Great Britain in the Sudan. It therefore voted an appropriation to be applied to the military defense of the latter country, forwarding a subsidy of £E562,500 in 1925 and annual subsidies of £E750,000 thereafter for expenditure by the Sudan administration.⁷⁸ This amounted to one-sixth of the total revenue of the Sudan.⁸⁰

73. *Report on the Finances, Administration and Condition of Egypt and the Sudan in 1910*, Cmd. 5633 (London, H. M. Stationery Office, 1911), p. 74.

75. *Egypt No. 1* (1921), cited, p. 34.

76. Curzon memorandum, Article 17.

77. Cf. "Egyptian Nationalism," cited, p. 160.

78. Cf. p. 406-07.

79. Annual reports on the Sudan administration, 1925 to date. (The Egyptian pound, worth slightly more than the pound sterling, is equivalent to \$5.00.)

80. Cf. tables in Great Britain, Foreign Office, *Sudan No. 2*

In 1927 Sarwat Pasha demanded that the Sudan be allowed to return to the status existing before 1924—i.e., that Egyptian troops be readmitted to that country on the former basis. Sir Austen Chamberlain suggested instead that Egypt should promise to continue the recently created military subsidy until such time as circumstances warranted a revision of the arrangement.⁸¹ In 1929 Mohammed Pasha Mahmud agreed to a compromise, giving up the demand for immediate restoration of the status existing before 1924 in the Sudan in return for Mr. Henderson's undertaking to consider sympathetically a proposal to readmit an Egyptian battalion to the Sudan when it came time for British troops to evacuate Cairo.⁸² This offer was renewed in 1930.⁸³ In the latter year Mr. Henderson also suggested the general formula that the status of the Sudan should be that resulting from the 1899 conventions,⁸⁴ and promised within a year after the coming into effect of the treaty to enter into friendly discussions with respect to any article concerning which difficulties might have arisen.⁸⁵ Negotiations broke down on the question of immigration, however, before an agreement on military affairs was finally concluded.⁸⁷

(b) Immigration

Abbas Hilmi II, deposed Khedive of Egypt, wrote recently that one of the three questions of fundamental importance for Egypt in respect to the Sudan was that it should have an outlet there for its growing population,⁸⁸ and that the Sudan administration should grant Egyptian immigration priority.⁸⁹ Nahas Pasha pressed for recognition of this claim during the London negotia-

(1927), *Report on the Finances, Administration and Condition of the Sudan in 1926*, Cmd. 2991 (London, H. M. Stationery Office, 1927).

81. *Egypt No. 1* (1928), cited, p. 13, Article 13.

82. Cf. p. 407. Also, *Egypt No. 1* (1929), cited, p. 12.

83. *Egypt No. 1* (1930), cited, p. 25, Paragraph 14.

84. *Ibid.*, p. 21, Article 11.

85. *Ibid.*, p. 22, Article 15.

87. *Ibid.*, p. 6-7.

89. Under the British occupation Egypt's population increased from 6,831,131 in 1882 to 14,213,364 in 1927. (Cf. *Statesman's Year-Book*, 1930, p. 816.) It is estimated that land available for cultivation will be entirely occupied within 30 years, after which the problem of expansion may become acute. (Cf. Toynbee, *Survey of International Affairs*, 1925, p. 254.)

90. Abbas Hilmi II., *A Few Words on the Anglo-Egyptian Settlement* (London, Allen and Unwin, 1930), p. 27-28. The two other necessities he mentioned were a permanent commission on Nile irrigation, and the rationalization of the cotton output of Egypt and the Sudan.

tions of 1930. As British authorities see it, however, a fundamental factor in the success of the British administration of the Sudan has been the fact that it has been carried on for the benefit of the local population rather than in the interests of a large foreign population; and it is intended that this shall continue to be the case. Thus Mr. Henderson was prepared to assure Nahas Pasha that there would be no discrimination in the Sudan as between British subjects and Egyptian nationals in the matter of immigration,⁹¹ and yet refused to consent to Nahas Pasha's demand that there should be no restriction whatever on Egyptian or British immigration into the Sudan "unless the person immigrating or entering into the Sudan is forbidden to do so by his respective Government."⁹² It was this disagreement on which the conference was finally wrecked.

(c) The Nile Water Supply

Lord Milner in his 1920 report acknowledged that although Egypt and the Sudan were in his opinion two different countries and bound to develop on very different lines, Egypt would always have one interest of supreme importance in the Sudan.

"The Nile, upon which the very existence of Egypt depends," he wrote, "flows for hundreds of miles through the Sudan, and it is vital to Egypt to prevent any such diversion of water from the Nile as might diminish her present cultivable area or preclude the reclamation of her soil, some 2,000,000 acres in extent, which is capable of being brought under cultivation, when, by means of storage, the present supply of water available for irrigation has been increased."⁹³

He added, however, that it was out of the question for Egyptian interests in Nile water to be safeguarded by means of subjecting the Sudan to Egyptian political domination. Already in February the British High Commissioner had assured Egyptians that the Gezireh irrigation area in the Sudan would be limited to a maximum of 300,000 *feddans* (acres).⁹⁴

Lord Curzon in 1921 promised that Great Britain would undertake to secure for Egypt

its fair share of the waters of the Nile and that no new irrigation works would be begun on that river or its tributaries south of Wadi Halfa without the concurrence of three conservators representing Egypt, the Sudan and Uganda respectively.⁹⁵ Prime Minister MacDonald in October 1924 reiterated that the British government was prepared to secure Egypt's interests in the Nile water supply.⁹⁶ But in spite of these repeated assurances the assassination of Sir Lee Stack by a fanatical Egyptian nationalist led the Conservative government in November 1924 to threaten officially to increase the Gezireh irrigation area in the Sudan from 300,000 *feddans* to an unlimited extent.⁹⁷ Prime Minister Zaghul Pasha protested that this threat to the water supply of Egypt was out of all proportion to the occasion which brought it forth and Sir Austen Chamberlain apologized for the wording of the demand in the House of Commons.⁹⁸ Ziwar Pasha, who succeeded Zaghul Pasha as Prime Minister, secured a written withdrawal of the threat in an exchange of notes on January 26, 1925.⁹⁹ But the British retraction came too late to prevent the impression from deepening in Egyptian minds that because of its special position in the Sudan Great Britain had a strangle-hold upon Egypt of which it would not hesitate to take advantage if it wished again to force the Cairo government into submission.

The 1929 Agreement on the Nile Water Supply

As a result of the exchange of notes just referred to, a mixed commission was appointed to examine the whole question of the Nile water supply and to propose a basis on which irrigation could be carried out with full consideration of the interests of Egypt "and without detriment to her natural and historic rights."¹⁰⁰ This commission reported in March 1926 and its findings were adopted substantially as they stood in a subsequent exchange of notes which took

91. In matters of commerce or holding of property the same assurance was given.

92. *Egypt No. 1* (1930), cited, p. 33; cf. also p. 7, 25.

93. *Egypt No. 1* (1921), cited, p. 33.

94. Toynbee, *Survey of International Affairs*, 1925, p. 262. Cf. map, p. 405.

95. Curzon memorandum, Article 17.

96. *Egypt No. 1* (1924), cited, p. 4.

97. Polson Newman, *Great Britain in Egypt*, p. 245.

98. Toynbee, *Survey of International Affairs*, 1925, p. 265.

99. Great Britain, *Treaty Series No. 17* (1929), *Exchange of Notes . . . in regard to the Use of the Waters of the River Nile for Irrigation Purposes*, Cmd. 3348 (London, H. M. Stationery Office, 1929), p. 32-33.

100. *Ibid.*, p. 6.

place between Mohammed Pasha Mahmud and Lord Lloyd on May 7, 1929. Egypt was guaranteed an adequate share of the water supply. Great Britain also promised that facilities would be granted Egyptian officials for discharging their duties with respect to measuring the distribution of Nile water. No new irrigation or power works would be built on the Upper Nile by Great Britain without the previous consent of the Egyptian government.¹⁰² Lord Lloyd's letter to Mohammed Pasha ended with the most positive assurances that the detailed provisions of the agreement would be observed at all times and under any conditions that might arise.¹⁰³

SUMMARY

A comparison of the various Anglo-Egyptian agreements of the past decade shows that Egypt has managed on the whole to strengthen its position by refusing to accept the offers originally made to it by the British government. Undoubtedly the favorable character of the general agreements of 1929

and 1930 was due in large degree to the fact that a Labour government was in power in Great Britain at the time they were negotiated. To the extent to which this is true, it follows that a change of government in Great Britain might place Egyptian negotiators in a less favorable position. But another factor in the situation has been the general amelioration of feeling between Great Britain and Egypt, resulting from the British offers of 1929 and 1930, the alteration of British policy with respect to Egypt's domestic affairs,¹⁰⁴ the lapse of time since the violent anti-British campaigns of 1924, and the increasing preoccupation of Egyptians with economic as opposed to political problems, and the consequent emphasis on interests common to both Great Britain and Egypt. Meanwhile issues of such importance have been raised in Egypt with respect to internal affairs that during the last six months of 1930 Anglo-Egyptian relations have been relegated to the background while front-page news and comment have been devoted more and more to the constitutional questions discussed in Part II of this report.

PART II

DOMESTIC CONSTITUTIONAL ISSUES

On October 22, 1930 there was promulgated in Egypt the second constitution that country has had since the abolition of the British protectorate on February 28, 1922. This constitution was accompanied by a new electoral law, substituting for direct elections a system of two-degree voting. Both measures were of a nature to arouse wide concern among nationalist groups in Egypt. They enhanced in some respects the prerogatives of the King, strengthened the position of the present Cabinet (opposed by at least 96 per cent of the members of the last Chamber of Deputies), and reduced the power of the Wafdist party which controlled that Chamber.

EGYPTIAN POLITICAL PARTIES

The parties which have figured in Egyptian political life until recently are four in

number.¹ By far the largest of these is the Wafdist party,² numbering among its adherents the overwhelming majority of villagers, townsmen of the working classes, and students, together with a certain proportion of wealthier Egyptians. It has stood for complete independence, the withdrawal of British troops from Egypt, and non-recognition of the British reservations of February 28, 1922. It has also asserted Egypt's right to regard the Sudan as an integral portion of Egyptian territory. Under the leadership of Sa'ad Pasha Zaghlul the Wafdist party gained a strong hold upon the imagination of the masses after the World War, when systematic propaganda was carried on throughout the country in favor of the liberation of Egypt from all forms of British control. Since then it has won every general

102. Great Britain, *Treaty Series No. 17 (1929)*, cited, p. 2-3

103. *Ibid.*, p. 50.

104. Cf. Part II, p. 417.

1. P. Arminjon, "L'Experience constitutionnelle et parlementaire de l'Egypte," *La Revue de Paris*, June 1929, p. 575-601.

2. The *Wafd*, from which this party derived its name, was a delegation sent to Europe and Great Britain to win the support of public opinion for the nationalist cause. It was this delegation which met Lord Milner in London in 1920. Cf. p. 403, footnote 2 (1).

election and furnished three of the ten Prime Ministers who have served in Egypt since April 1923.³

A second party is the Liberal-Constitutionalist, which, although sympathetic to nationalist aims, has stood for recognition of the British reservations of 1922, on the ground that non-recognition might provoke the British to re-establish their wartime protectorate in Egypt. This party draws its strength from the propertied classes, who have the most to gain from a relatively conservative policy. It includes the large landowners and a considerable number of wealthy members of the bourgeoisie, together with a certain proportion of the high officials in former administrations, who see no prospect of persuading Great Britain to relinquish entirely its claims on Egypt.

The Watanists, or extreme nationalists, form a smaller group, representing the oldest of the four parties. They have been more intransigent than the Wafdists, refusing to enter into any negotiations whatsoever with the British before the withdrawal of British troops or before Egypt's right to the Sudan has been recognized.

The Ittehadist or Unionist party came into being in 1925 on the initiative of the Palace group, which asserted that Egypt's interests could be served best by a union of moderates of all parties. Only a relatively small minority responded to the Unionist movement, aside from those who had already identified themselves as "the King's friends."

Prime Minister Sidky Pasha, once a Wafdist, and later more closely identified with the Ittehadists, has newly founded a fifth political group to be known as the People's party;⁴ but its organization is so recent that its strength has not yet been tested in any parliamentary election. In common with

the four older parties of Egypt, it advocates Egyptian independence; it differs from the Wafdists and Liberal-Constitutionalists, however, in supporting the 1930 Constitution and electoral law.

THE 1930 CONSTITUTION AND ELECTORAL LAW

Prime Minister Sidky Pasha promulgated the new Constitution and electoral law in October 1930 without submitting them for the approval of representatives of the people in the Senate and Chamber of Deputies, which were suspended in July. The Constitution of 1923, under which Egypt has been governed for the last seven years, expressly provided, however, that no constitutional amendments should become effective until they had been approved by a two-thirds vote in each Chamber, no vote being permissible unless at least two-thirds of the members were present.⁵

The promulgation of the new Constitution and electoral law has been Sidky Pasha's contribution toward the settlement of certain acute constitutional issues raised in June 1930 as the climax to an eight-year conflict, sometimes latent, sometimes active, between the King⁶ and the Wafdist party.

This conflict began while the provisions of Egypt's first post-war Constitution were still under discussion early in 1923. At this time an attempt was made by the Palace group to insert an article stating that the King embodied the supreme authority of the nation—an authority which could not be discussed—while Liberal-Constitutionalists wished the article to state that all power emanated from the people. Ultimately the Liberal-Constitutionalists carried their point.⁷ Although the Constitution made

4. Inaugurated November 18, 1930. Cf. *New York Times*, November 19, 1930.

5. Constitution of 1923, Article 157.

6. King Fuad assumed his regal title on March 15, 1922, two weeks after the recognition of Egyptian independence. From October 9, 1917 until that date he had been known as Sultan, having been chosen by the British authorities to succeed his elder brother, Sultan Hussein Kamil, on the death of the latter. Both were members of the house of Mohammed Ali, being sons of the Khedive Ismail (1863-1879), and both were chosen on account of their predisposition to cooperate with the British authorities. Abbas Hilmi II (1892-1914), a younger member of the royal house (nephew to Hussein and Fuad), was deposed at the beginning of the World War because of his pro-Turkish sympathies and activities, and a law of April 15, 1922 barred him from the succession to the throne of Egypt. In 1930 there was a one-week press rumor that he would attempt to regain the throne. For list of Egyptian rulers, cf. P. G. Elgood, *The Transit of Egypt* (London, Arnold, 1928), p. 326-28.

7. Cf. *Le Journal du Caire*, November 6, 1930; also Polson Newman, *Great Britain in Egypt*, p. 241.

3. The list of Egyptian Prime Ministers during this period is as follows:

Yehia Pasha Ibrahim, Liberal-Constitutionalist, February-July 1923.

Sa'ad Pasha Zaghlul, Wafdist, July 1923-November 1924.

Ahmed Ziwari Pasha, Liberal-Constitutionalist, November 1924-June 1926 (coalition with Ittehadists).

Adly Pasha Yeghen, Independent, June 1926-April 1927 (Wafdist-Watanist-Liberal-Independent coalition).

Abdel Khalek Pasha Sarwat, Liberal-Constitutionalist, April 1927-March 1928 (Wafdist-Liberal-Independent coalition).

Mustapha Pasha Nahas, Wafdist, March-June 1928 (Wafdist-Liberal-Constitutionalist coalition).

Mohammed Pasha Mahmud, Liberal-Constitutionalist, June 1928-October 1929.

Adly Pasha Yeghen, Independent, October 1929-January 1930.

Mustapha Pasha Nahas, Wafdist, January-June 1930.

Ismail Sidky Pasha, People's party, June 1930—

Egyptian Ministers responsible to the Chamber of Deputies rather than to their sovereign, King Fuad continued to show a lively interest in the details of administration. Three times between 1923 and 1930 he approved the suspension of the Chamber of Deputies, each time at the expense of the Wafdist party, so that parliamentary life has been in abeyance for thirty-six of the ninety-two months which have elapsed since the 1923 Constitution was promulgated.⁸

THE WAFDIST PROGRAM OF NAHAS PASHA—1930

Resenting a situation which resulted in frequent curtailment of the power of the Wafdist party and the interruption of its political program, Prime Minister Nahas Pasha attempted in June 1930 to introduce legislation which would make it extremely difficult for his political rivals to challenge Wafdist supremacy again. On May 29 his Cabinet completed drafts of two bills, one to create a Supreme Court of Cassation, and the other to safeguard the Constitution. The latter was intended to make it high treason for any Minister to suspend or modify the Constitution of 1923 or to act contrary to any of its provisions. For offenses committed under this act maximum punishments of penal servitude for life and a fine of £E10,000 were provided. With respect to the Supreme Court of Cassation, it was proposed that its members, appointed for life, should possess statutory qualifications—which might be waived, however, in the case of the first appointees.⁹

Opponents of the Wafd regarded these

8. These occasions were as follows:

(1). From March 1925, when a Zaghlulist majority unexpectedly faced Ziwar Pasha in a newly elected Chamber of Deputies, until May 1926, when the combined opposition of non-Ittehadist parties, led by Senators and Deputies of the 1925 Parliament, helped to bring about a return to representative government. The British High Commissioner took an active part both in suspending and in restoring parliamentary government in this case.

(2). From June 1928 until October 1929, after the rejection of Sarwat Pasha's draft treaty and a brief Wafdist régime under Nahas Pasha. Mohammed Pasha Mahmud governed as a dictator throughout this period. A royal rescript suspended the articles of the Constitution relating to liberty of the press, freedom of speech, Ministerial responsibility, convocation of Parliament and revision of the Constitution. (For details of the issues arising between King and government between 1922 and 1929 inclusive, cf. Toynbee, Polson Newman and Young, *op. cit.*)

(3). From June 1930 to date. For details, cf. p. 417.

9. For descriptions of the situation created by the proposed bills, cf. E. W. Polson Newman, "Egypt," *The Contemporary Review*, November 1930; Arthur Merton, "Constitutionalism in Egypt," *The Near East and India*, September 25 and October 9, 1930; and Saint-Brice, "La Crise Egyptienne," *Correspondance d'Orient*, August 1930, p. 51-58.

proposals with suspicion, and deplored what they characterized as an attempt to perpetuate Wafdist control of the executive and of judicial affairs. They disapproved particularly of the plan to create a Supreme Court of Cassation whose first members were evidently intended to be political appointees of the Wafd party, holding their positions for life. A non-Wafdist Minister impeached before such a tribunal for alleged violation of the Constitution would be almost certain of conviction, they believed. The Wafdists maintained, on the other hand, that since the wishes of the great masses of the people had been frustrated so often in the past seven years, it was clear that special measures to safeguard the Constitution were a necessity.

THE FAILURE OF THE WAFDIST PROPOSALS

Prime Minister Nahas Pasha failed, however, to put through the legislation he desired. All Egyptian government bills must be endorsed by the King before they are presented to the Chamber, and in this case King Fuad refused his signature, on the ground that the bills were too important to rush through toward the end of the parliamentary session. In the hope of breaking down the King's opposition, Nahas Pasha resigned. The King, without changing his attitude toward the bills in question, asked Nahas Pasha to withdraw his resignation, but the latter refused. The Wafd caucus not only upheld the Prime Minister in his action, but strengthened his hand by voting unanimously that the Chamber (which it controlled) should grant its confidence to no one but him, making it impossible for the King to appoint another Prime Minister without suspending parliamentary government once more. A phrase of one of the speakers on this occasion gained immediate publicity throughout Egypt. "This House," he said, "is ready to crush even the highest head, if he endangers the Constitution."¹⁰ King Fuad responded to this challenge by accepting Nahas Pasha's resignation and appointing in his place Ismail Sidky Pasha, whose name had figured in former Cabinets and who had been a member of the commission which drafted the Constitution of 1923.

10. *Near East and India*, September 25, 1930, p. 351.

Parliament was adjourned on June 21 for one month.¹¹

The Wafd did not take its defeat quietly. Immediately a two-thirds majority of the members of both the Senate and Chamber of Deputies petitioned the King to call an extraordinary session. This petition was refused, the King taking the view that since the Constitution gave him the power to adjourn and dissolve the Chamber he was under no obligation to convene an extraordinary session during the very period when he had judged it best to arrange for an adjournment. Moreover, on the ground that the one-month adjournment of Parliament extended into the middle of the annual parliamentary vacation period, he refused to convoke Parliament again until the regular date in November.¹²

On June 26, Wafdist deputies held a second meeting, during which they once more adopted a petition for an extraordinary session of Parliament, coupling with the petition a vote of non-confidence in the government and the King if their request were not granted. Nahas Pasha announced the initiation of a campaign of civil non-cooperation, to begin immediately with a general refusal to pay taxes to the government. Sidky Pasha remained unmoved, however, confiscated the circulars prepared by the Wafd, and forbade newspapers to publish the party's proclamation concerning non-payment of taxes.

BRITAIN REFUSES TO INTERVENE IN DOMESTIC ISSUES

These events were accompanied by outbreaks of varying intensity. There were minor disturbances after Sidky Pasha assumed office in June, at a time when Nahas Pasha was touring the country in the interests of his party. In the middle of July serious rioting occurred in Alexandria, where the death of an Italian led Great Britain to intervene for the protection of life and property. Sir Percy Loraine, the High Commissioner, informed Sidky Pasha and

Nahas Pasha on behalf of Mr. Ramsay MacDonald that Great Britain would hold them equally responsible for injury to the life or property of foreigners, announced that two British warships were on their way to Alexandria, and asserted that the British government would not permit itself to be used as a tool to force constitutional changes in Egypt.

This drew from the Egyptian Prime Minister a spirited reply. He had already provided for the safety of foreigners, he said, and had sufficient Egyptian troops to restore and maintain order in the country; British warships were not needed. Meanwhile, he intimated, the British note was not of a nature to facilitate his task. It was a most unusual proceeding to address the leader of the opposition directly, as the British government had done. Moreover, the British statement with respect to constitutional changes, he said, did not accord with the declaration that Great Britain would not interfere in the internal administration of Egypt, and that it would maintain strict neutrality in purely domestic crises.

The British warships remained ten days at Alexandria, but none of the British troops in Egypt took a hand in restoring order, being confined to barracks by express order of the British authorities both during the Alexandria riots and when subsequent riots occurred on July 21 at Suez and Port Said. In all three cases Egyptian forces quelled the disturbances unaided.¹³ In former crises British troops had held themselves ready to respond to requests for aid from British police officers.¹⁴

Talk of forcing the King's abdication and of promoting a republican movement, which was rife in midsummer, soon died down, and there was no revival of violence, either in October, when Sidky Pasha announced the promulgation of the new electoral law and Constitution, or on November 15, the date on which Parliament would normally have convened had a new régime not been established.¹⁵

11. *New York Times*, June 22, 1930.

12. Article 39 of the 1923 Constitution made the following provision: "The King may adjourn the session of Parliament. In no case may such adjournment exceed one month, nor may it be renewed during the same session without the consent of the two Chambers." (Translation)

13. Casualties were reported in the press to have reached nineteen killed and 167 wounded by July 22, while over 1,000 arrests were made in Cairo alone. *New York Times*, July 23, 1930.

14. Cf. p. 409.

15. Elaborate precautions were taken by Sidky Pasha, however, to discourage turbulence.

THE NEW CONSTITUTION AND THE OLD

The features distinguishing the new Constitution and electoral law from the corresponding measures formerly in effect are summarized in an appendix to the present report, which the reader may find it useful to consult at the present point (cf. pages 419 and 420). In imposing these changes on the nation Sidky Pasha explained that they were necessary because the Constitution of 1923 had proved inadequate—mainly for the reason that it was borrowed, with too little attempt at adaptation, directly from the organic laws of European states, where conditions differed widely from those prevalent in Egypt. The 1923 Constitution, he said, was not the outcome of an evolutionary process.¹⁶

Particularly inappropriate to Egyptian conditions, Sidky Pasha said, was the system of direct universal suffrage, which had been introduced for the first time not by the Constitution of 1923 but by the Zaghlulists in 1924, shortly after the latter came into power. Tracing the history of electoral legislation in Egypt within recent times, Sidky Pasha drew attention to the four different laws that have been passed on the subject in the years 1923, 1924, 1925¹⁷ and 1926 respectively. Of these the first and third embodied the principle of two-degree elections, while the second and fourth provided for the direct system. The latter proved more favorable to the Wafdist party than the indirect system, but had failed, Sidky Pasha pointed out, to provide Egypt with stable governments. In 1925, the last time the indirect system was used, on the other hand, the parties were more evenly balanced in the Chamber.¹⁸

The direct system of election, Sidky Pasha suspected, was resorted to by the Wafdist

party to perpetuate its hold on Parliament, because it facilitated coercion of illiterate voters. Intimidation, compulsion, detraction and pressure were easy to resort to when ignorant villagers were voting directly for candidates concerning whom they knew nothing. Under the two-degree system, however, there must be less room for abuse, he suggested, since in this case villagers vote for electors whom they know personally and whose qualities they are therefore capable of judging for themselves.¹⁹

Neither the Liberal-Constitutionalists nor the Wafdists were impressed by the arguments of Sidky Pasha in defense of the new Constitution and the electoral law. Both parties denounced the measures officially, and threatened to boycott the elections announced for February or March 1931.²⁰ The chief grounds on which the objections of these parties were based may be summarized as follows:²¹

1. The manner of introducing both measures was unconstitutional. To do away with the 1923 Constitution by a stroke of the pen was to destroy the liberty of the Egyptian people, in whom, under the 1923 Constitution, sovereignty was declared to reside.

2. The increase in the proportion of appointed members in the Senate will make it difficult, if not impossible, to put through Parliament popular measures to which the King may be opposed, since 60 per cent of the Senators will owe their appointment to royal favor.

3. If a measure vetoed by the King may not be reintroduced during the same session, as formerly, the King's power will be unjustifiably increased.

4. The new Constitution practically destroys Ministerial responsibility to Parliament, not only because such stringent delays are to hedge about votes of non-confidence, but quite as much because votes of non-confidence are to require support in the Senate, where nominees of the King are to predominate. Thus it may easily prove impossible ever to secure the overthrow of a government even after it has lost the support of the people.

5. The loss of the Deputies' right to initiate financial legislation is another blow at democratic self-government.

16. For accounts of the constitutional development of Egypt, cf. Cromer, *Modern Egypt*; Sir M. S. Amos, "The Constitutional History of Egypt for the Last Forty Years," *Grotius Society; Problems of Peace and War*, 1929, Vol. 4, p. 131-53; Arminjon, "L'Expérience constitutionnelle et parlementaire de l'Egypte"; Polson Newman, "Egypt," *The Contemporary Review*, November 1930. For text of the short-lived 1913 Constitution, cf. Great Britain, Foreign Office, *Egypt No. 3A (1913)* (London, H. M. Stationery Office, 1913).

17. A decree-law of the Ziwar administration, which was never used, being annulled as a result of popular protest and replaced by the law of 1926.

18. The standing of parties in the Chamber of Deputies after the four parliamentary elections was as follows:

	Wafdists	All Others
Parliament of 1923	177	37
" " 1925	125	85
" " 1926	142	58
" " 1930	215	20

19. These arguments and many others are put forward in Sidky Pasha's *Report on the Modifications to be introduced in the Constitution and the Electoral Law* (Cairo, Imprimerie Nationale, 1930).

20. Official decisions to this effect were taken on November 6 by both parties. Cf. text of declarations in *Le Journal du Caire*, November 7, 1930.

21. Cf. *Le Journal du Caire*, October and November, *passim*.

6. Finally, the abolition of direct universal manhood suffrage by the Constitution itself is a negation of democracy and an attack on the illiterate *fellahin*, who since the vote was granted them have participated with enthusiasm in general elections; this change will reduce them once more to a position of servitude.

Although there has been no repetition of the riots of last July since the announcement of the new Constitution and electoral law, public opinion is in a disturbed state; public meetings are forbidden, and a certain amount of sabotage has occurred.²²

MACDONALD REITERATES BRITISH NEUTRALITY

Prime Minister MacDonald has declared in the House of Commons, meanwhile, that there has been no alteration in British policy since last July, when British neutrality was declared with respect to the domestic constitutional struggle in Egypt. Wafdists have charged, however, that in the final analysis the force on which Sidky Pasha's autocratic

régime is based is that of the British army in Egypt, and that this cannot be avoided so long as British troops are maintained there for the protection of foreign life and property. In Great Britain there is a general and natural indisposition to support the extension of royal prerogatives in Egypt or to approve the high-handed amendment of the 1923 Constitution; on the other hand the alternative of supporting a Parliament such as the last, in which the Wafdist party was unchecked by any opposition worthy the name, is recognized to have its dangers. The policy of neutrality adopted by the present British government is not to be regarded as a mere shirking of decision, however. It represents a conviction that the time has come for Egypt to assume more complete responsibility in domestic affairs than has been allowed it in the past. The British Cabinet, accordingly, has announced its intention of adhering consistently to a policy of non-intervention.

APPENDIX

CONSTITUTION AND ELECTORAL LAW OF 1930

(Summary of Provisions)

1. *Prerogatives of the King*

The rights of the King are extended with respect to withholding sanction of bills passed by Parliament (Article 35, 1930). He is to have two months instead of one in which to consider each bill that comes to him, and failure on his part to return a bill with his signature within the specified time is to be regarded as a veto, rather than as an indication of assent, as formerly (Article 35, 1923). Bills vetoed by the King may no longer be reconsidered in the same session of Parliament. To overcome the veto it will henceforth be necessary to secure either one of two things: (a) If the rejected bill is reintroduced during a later session in the same parliamentary period, it must be supported by a two-thirds majority in each Chamber; (b) If it is not reintroduced until a new election has been held, ordinary majorities in the two Chambers will be sufficient to give it the force of law (Article 36, 1930). Under the 1923 Constitution, on the other hand, it was permissible to reintroduce a bill immediately after the King returned it and to promulgate it as law, providing it was supported by two-thirds of the members in each Chamber (Article 36, 1923).

Extraordinary sessions need no longer be con-

voked by the King on a petition signed by an absolute majority of the members of either Chamber, but only when a petition has the support of majorities in both Chambers (Article 40, 1930).

The King's right to dissolve the Chamber of Deputies remains unchanged, except that it may be exercised after the session has been in existence for five months instead of a minimum of six. His prerogatives during periods of dissolution are strengthened, however. He is expressly empowered at such times to issue decrees having the effect of law, provided they are not contrary to the Constitution. Formerly this right was granted specifically only during ordinary intervals between parliamentary sessions, although it was assumed to exist also during periods of suspension (Article 41, 1923). Moreover, instead of requiring that an extraordinary session be convoked "immediately" to deal with such emergency decrees, the 1930 Constitution provides that they need merely be submitted to Parliament within a month after the opening of the next session, whenever that occurs; their rejection is not to have a retroactive effect.¹ [Such safeguards as these, Sidky Pasha wrote, are essential if Ministers are not to be discouraged from issuing decrees which may be urgently needed during periods when Parliament is dissolved.]

22. Cf. *Le Journal du Caire*, November and December, *passim*.

1. *Report on the Modifications to be introduced into the Constitution and Electoral Law*, cited, p. 20.

The right of initiating financial measures of any sort is to be reserved in future to the Crown (Article 28, 1930). Formerly the King and the Chamber of Deputies shared this power, while the Senate might initiate only such financial bills as did not have the effect of introducing new taxes or increasing existing ones (Article 28, 1923).

2. Ministers

As under the 1923 Constitution, Ministers are still jointly responsible for the general policy of the State and severally responsible for the administration of their respective Ministries (Article 65). In future, however, votes of non-confidence will not take effect unless supported by an absolute majority of each Chamber, instead of an ordinary majority in the Chamber of Deputies. To prevent unnecessary proposing of such votes, it will be required hereafter that non-confidence motions shall be presented in writing eight days before debates on the subject take place, and that they shall bear the signatures of at least thirty Deputies; after the discussion, a further period of two days is to elapse before a vote may be taken. These delays may be shortened only at the request, or with the consent, of the Minister or Ministers concerned (Article 66, 1930).

Ministers may be impeached, but the Special Court of Justice before which they will be tried may fix no other penalty than the loss, temporary or final, of the civil rights of those whom it convicts (Article 69, 1930).³

3. Parliament

Every year before the third Saturday in December⁴ the King is to convoke Parliament in ordinary session (Article 91, 1930), the minimum period of duration of such sessions being five months, instead of six months as formerly.

The number of Deputies is to be reduced to 150 (Article 80, 1930), instead of being calculated at the rate of one for each 60,000 inhabitants, as formerly (Article 83, 1923)—a system which gave the Chamber 235 members in 1930. The Senate is to have no more than 100 members (Article 75) instead of 122 as in the last Parliament, while the proportion of Senators nominated by the Crown is to be increased from two-fifths (Article 74, 1923) to three-fifths (Article 75, 1930).

Power to decide the validity of mandates of both Senators and Deputies is taken away from Parliament (Article 95, 1923) and delegated to the Court of Appeals (Article 90, 1930). [This change, Sidky

Pasha hopes, will prevent the exercise of pressure upon individual Deputies by any group in Parliament which may happen to be strong enough to oust from their seats those who refuse to vote with the majority.]

Members of Parliament, while still free from arrest on account of their opinions or of their votes in the Chambers (Article 109, 1923), may be brought to justice in future for defamation of the private or family life of anyone, or for an offense against the person of the King in the Chambers (Article 99, 1930).

4. Elections

The Constitution of 1923 assumed that elections would be by two degrees (Article 89, 1923); the 1930 Constitution goes further and provides specifically that this shall be the case. All males over 25 years of age are entitled to vote in primary elections, while second-degree electors chosen in the primaries will be required to possess such qualifications as are stipulated in the electoral law.

5. The Electoral Law

Under the electoral law of 1930 the actual choice of Deputies and of two-fifths of the Senators is entrusted to second-degree voters, who must be able to prove that they have at least one of the following qualifications:⁵

- a. Ownership of real estate paying a minimum land tax of £E1 per annum, or of buildings having a rental value of at least £E12 per annum.
- b. Occupancy of premises renting for at least £E12 per annum.
- c. Tenancy of one year's standing on cultivated land taxed at a minimum of £E2 per annum.
- d. Possession of certificate of graduation from a primary school, or its equivalent.

Qualifications required of candidates for election to the Chamber of Deputies are as follows:⁶

1. Real ability to read and write.
2. Ten years on the electoral list of the constituency in which the candidate is to stand for election.
3. Not an unattached officer or a soldier on leave.
4. A deposit of £E50, to be forfeited if the candidate withdraws, or if he wins fewer than one-tenth of the votes in his constituency.

3. The insertion of this new clause is obviously intended to prevent the recurrence of the Wafdist attempt of June 1930 to impose heavy penal sanctions in the case of Ministers convicted of offenses against the Constitution—a proceeding which was permissible under Article 68 of the 1923 Constitution.

4. Formerly before the third Saturday in November (Article 96, 1923). If not convoked by this date, Parliament had the full right to assemble then of its own accord.

5. Electoral Law, Article 20.

6. *Ibid.*, Article 26.